

## Assembly Bill No. 1998

### CHAPTER 274

An act to amend Section 12680 of the Health and Safety Code, relating to fireworks.

[Approved by Governor August 31, 2000. Filed with  
Secretary of State September 1, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 1998, Dutra. Dangerous fireworks.

(1) Existing law makes it a misdemeanor to place, throw, discharge or ignite, or fire dangerous fireworks at any person or group of persons where there is a likelihood of injury.

This bill would extend this prohibition to where the dangerous fireworks are placed, thrown, discharged or ignited, or fired at or near any person or group of persons with the intent of creating chaos, fear, or panic or where there is a likelihood of injury. This bill would exempt from this prohibition any person 21 years of age or older who holds a fireworks license. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 12680 of the Health and Safety Code is amended to read:

12680. (a) Except as provided in subdivision (b) or (c), it is unlawful for any person to place, throw, discharge or ignite, or fire dangerous fireworks at or near any person or group of persons where there is a likelihood of injury to that person or group of persons or when the person willfully places, throws, discharges, ignites, or fires the fireworks with the intent of creating chaos, fear, or panic.

(b) Subdivision (a) does not apply to a person described in Section 12517 who uses special effects. For purposes of this subdivision, "special effects" means articles containing any pyrotechnic composition manufactured and assembled, designed, or discharged in connection with television, theater, or motion picture productions, which may or may not be presented before live audiences, and any other articles containing any pyrotechnic composition used for

commercial, industrial, educational, recreational, or entertainment purposes when authorized by the authority having jurisdiction.

(c) Subdivision (a) does not apply to a person holding a fireworks license issued pursuant to Chapter 5 (commencing with Section 12570).

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

